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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,704

Applicant(s)

CHATTEY, NIGEL

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-10 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,9,11-46 and 48-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's election of Species I, the embodiment shown in figure 1, in the reply filed on August 8, 2003 is acknowledged, the election having been made without traverse, see the Office Action of June 1, 2005 and MPEP § 818.03(a). Claims 4, 7-10 and 47 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as drawn to a nonelected species.

2. The new proposed drawing figures 12a-12c have not been approved for entry by the examiner, as they introduce new matter. The details of the structure for the widthwise movement of the trolley/spreader hoist across the boom was not part of the original disclosure. The amendments to the specification made at the time of the filing of the drawing figures must be canceled by applicant.

3. The drawings remain objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the manner in which the second trolley/spreader hoist is displaceable both lengthwise and widthwise of its boom, as recited in claims 5-7 and 44-46 must be shown, or the feature must be canceled from the claims. No new matter may be entered.

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5, 6 and 44-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the original specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The structure for displacing the second trolley in both lengthwise and widthwise directions of the second boom is not understood. The specification only recites that the second "boom 3 should be wide enough to accommodate a machine trolley/spreader hoist 6a capable of moving the containers 8 both in a transverse direction across the axis of pier 14, and also longitudinally (parallel) to the axis of pier the 14", see the last line of page 21 through the first four lines of page 22 of the specification. Other than a wide boom, no structure is detailed by the specification or shown in the drawings for these transverse movements of the trolley/spreader.

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6. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

7. Claims 1-3, 11-46 and 48-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. FOR EXAMPLE:

a. In claims 1, 11, 13, 20, 26, 38 and 49, the limitations "the sibling crane is displaceable lengthwise along the foundation" and "the parent crane is displaceable lengthwise along the foundation" are vague and indefinite as it is unclear as to whether lengthwise refers to the "length" of the cranes or to the "length" of the foundation.

b. In claim 3, the term "the over-the-ground vehicle" lacks antecedent basis within the claims. Note that claim 1 recites "a sibling crane.... for loading containers from the first platform onto over-the-ground vehicles". This is a positive recitation of the sibling crane, but only a functional recitation of the crane that is intended to load over-the-ground vehicles. The over-the-ground vehicles are not part of the claimed combination of elements.

c. In claim 12 the term "the plurality of over-the-ground vehicle" lacks antecedent basis within the claims. Note that the claim 11 recites "to enable the trolley/spreader hoist thereof to load containers from the first platform onto a plurality of over-the-ground vehicles" is only a functional recitation of the sibling crane as intended to load over-the-ground vehicles. The over-the-ground vehicles are not part of the claimed combination of elements.

d. In claims 14, 15, 17, 19, 22, 23, 30, 32, 33, 35, 37, 40, 41, and 37, the term "the over-the-ground vehicles" lacks antecedent basis within the claims as all of the claims from which these claims depend contain only functional recitations of the sibling crane as intended to load the over-the-ground vehicles. The over-the-ground vehicles are not part of the claimed combination of elements.

e. In claims 16, 21, 34, 39, and 50, the terms "the plurality of over-the-ground vehicles" and "the vehicles in each row" lack antecedent basis within the claims. Note that in claim 13 the limitation "that the sibling crane is displaceable lengthwise along the foundation to load containers onto a plurality of over-the-ground vehicles" is a functional limitation which fails to add the vehicles into the claimed combination of elements.

f. In claims 24 and 42, the term "the railroad tracks" lacks antecedent basis within the claims. Note that in claims 13 and 41, the limitation that "railroad cars displaceable on railroad tracks" is drawn to a quality of the cars, i.e. the ability to be displaced along tracks. The limitation does not positively include the tracks as part of the claimed combination.

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8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 13-24, 26-42, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Montgomery et al in view of Young. Montgomery et al shows the basic claimed crane apparatus installed on a foundation extending into water for directly transshipping containers from a vessel moored alongside the foundation to another transportation mode without necessity of ground placement of the containers, the crane apparatus comprising: a trackway (see column 6, lines 18-22) disposed at ground level on the foundation and extending lengthwise along the foundation;

a parent crane (C) displaceable on the trackway lengthwise along the foundation for unloading containers from a vessel moored alongside the foundation and placing the containers on a first platform (A) affixed to a part of the parent crane; and

a sibling crane (B) moving along the foundation at ground level beneath the parent crane (C) and independently of displacement of the parent crane (C; see column 6, lines 15-23).

Montgomery et al varies from claim 1 by not specifying that its foundation extends longitudinally into the water. Young shows a similar container handling system with the foundations (21, 22 and 23) extending longitudinally into the water, with the cranes displaced lengthwise along the foundation. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the container handling system of Montgomery et al by arranging the foundations as to extend lengthwise into the water, as to have the foundations extend along the lengths of the ships to be unloaded, with the ships moored normal to the shoreline, for efficient use of the waterfront, as taught by Young. The sibling crane (B) of Montgomery et al can load the containers from the platform onto over-the-ground vehicles, as functionally recited in the claims. Note these are not method claims and the claims, as best understood, do not positively recite the over-the-ground vehicles, the vehicles are only recited in functional limitations, i.e. the a crane *for loading*, or a crane *enabled to load* over the ground vehicles. If the claims were interpreted as having positive recitations of vehicle loading, this would have been obvious method step, within the limits of routine skill in the art at the time the inventions was made by applicant. The sibling crane (B) is displaceable along the length of the foundation and could load vehicles which are in end-to-end relationships, as claim 13 is best understood. It could deliver the containers to railroad cars, as claims 14 is best understood, or multi-trailer sets or automated guided vehicles, as claim 15 is best understood. The displacement of the sibling crane could have it load plural

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rows of over the ground vehicles in end-to-end relationships as claim 16 is best understood. These cars could be railroad cars, as claim 17 is best understood. The displacement of the sibling crane is independent of the displacement of the parent crane, as recited in claim 18. The sibling crane could deliver the containers to railroad cars, as recited in claim that are in end-to-end relationship while the parent crane (C) remains fixed in position, as claim 20 is best understood. It could deliver the containers to railroad cars in an end-to-end relationship and at plural side-by-side tracks, as claims 21 and 34 are best understood. It is displaceable in all directions as to enable it to be displaceable lengthwise on the foundation to vehicles on railroad tracks, including those extending lengthwise on the foundation, as claims 22, 23 and 35 are best understood. If the tracks were under a rear portion of the boom of the parent crane, the sibling crane could deliver could deliver the containers to them also, as claim 24 is best understood. Note the rear portion of the boom of the parent crane overlaps the operating portion of the sibling crane. The sibling crane has tracks (30) as recited in claims 27 and 28. The parent crane can be fixed in place as the sibling crane takes the container from the platform, as recited in claim 29. The sibling crane is displaceable lengthwise on the foundation to unload containers from the parent crane platform as the parent crane is in a fixed position and deliver the containers to vehicles in end-to-end relationships, including those extending lengthwise on the foundation and while the parent crane remains in place, as claim 30 is best understood. The end-to-end cars could be railroad cars, as claims 31 and 32 are best understood. The loading by the sibling crane could be to multi-trailer sets or auto guided vehicles, as claim 33 is best understood. The parent crane can be fixed in place as the sibling crane takes the container from the platform to vehicles in end-to-end relationships, as recited in claim 38, with the vehicles in plural rows, as recited in claim 39. If the vehicles are on tracks, including tracks extending lengthwise of the foundation, the sibling crane has the ability to get to them, as claims 40 and 41 are best understood, or under the parent crane, as claim 42 is best understood.

10. Claims 1, 13-24, 26, 29-42, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watatani in view of Young. Watatani discloses a crane apparatus installed on a foundation extending into water for directly transshipping containers from a vessel moored alongside the foundation to another transportation mode without necessity of ground placement of the containers, the crane apparatus comprising: a trackway (9<sub>2</sub>) disposed at ground level on the foundation and extending lengthwise along the foundation;

a parent crane (A) displaceable on the trackway lengthwise along the foundation for unloading containers from a vessel moored alongside the foundation and placing the containers on a first platform (5) affixed to a part of the parent crane; and

a sibling crane (1) moving along the foundation at ground level beneath the parent crane (A) and independently of displacement of the parent crane for loading containers from the first platform (5) onto over-the-ground vehicles.

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Watatani varies from claim 1, as it does not specify that the cranes (A and 1) are displaceable lengthwise along a foundation that extends longitudinally into the water. Young shows a similar container handling system with the foundations (21, 22 and 23) extending longitudinally into the water, with the cranes displaced lengthwise along the foundation. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the container handling system of Watatani by arranging it on a foundation that extends lengthwise into the water, as to have the foundations extend along the lengths of the ships to be unloaded, with the ships moored normal to the shoreline, for efficient use of the waterfront, as taught by Young. These vehicles could be railroad cars as claims 13 and 14 are best understood, or multi-trailer sets or automated vehicles, as claim 15 is best understood. The vehicles could be plural rows of railroad cars, as claims 16 and 17 are best understood. It would be able to deliver containers to railroad cars, as claims 19, 22-24 and 37 are best understood. It could deliver the containers to railroad cars that are in end-to-end relationship, as claim 20 is best understood. It could deliver the containers to railroad cars that are in end to end relationship and at plural side-by-side tracks, as claims 21 and 34 are best understood. If the tracks were under the parent crane, the sibling crane could deliver the containers to them also, as claim 24 is best understood. Note that the railroad cars are only functionally recited in the claims as to have the sibling crane only capable of such a delivery movement, which of course it can as it is tire mounted. The parent crane can be fixed in place as the sibling crane takes the container from the platform, as recited in claim 29. The sibling crane is displaceable in all directions as to enable it to be displaceable lengthwise on the foundation to unload containers from the parent crane platform as the parent crane is in a fixed position and deliver the containers to vehicles in end-to-end relationships, including those extending lengthwise on the foundation and while the parent crane is in a fixed position, as claim 30 is best understood. The end-to-end cars could be railroad cars, as claims 31 and 32 are best understood. The loading by the sibling crane could be to multi-trailer sets or auto guided vehicles, as claim 33 is best understood. The parent crane can be fixed in place as the sibling crane takes the container from the platform to vehicles in end-to-end relationships, as recited in claim 38, with the vehicles in plural rows, as recited in claim 39. If the vehicles are on tracks, including tracks extending lengthwise of the foundation, the sibling crane has the ability to get to them, as claims 40 and 41 are best understood, or under the parent crane, as claim 42 is best understood.

11. Claims 1, 13-24, 26, and 29-35, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Shimizu in view of Young. Figures 1-4 of Shimizu show the basic claimed crane apparatus installed on a foundation extending into water for directly transshipping containers from a vessel moored alongside the foundation to another transportation mode (3) without necessity of ground placement of the containers, the crane apparatus comprising: a trackway (note the type of wheels shown) disposed at ground level on the foundation and extending lengthwise along the foundation;

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a parent crane (21) displaceable on the trackway lengthwise along the foundation for unloading containers from a vessel moored alongside the foundation and placing the containers on a first platform (13) affixed to a part of the parent crane; and

a sibling crane (22) moving along the foundation at ground level beneath the parent crane (C) and independently of displacement of the parent crane (note the separate wheel trucks 28 in figure 2) for loading the containers from where they placed on the platform (13) directly onto over-the-ground vehicles (3).

Shimizu varies from the claims by not specifying that its foundation extends longitudinally into the water. Young shows a similar container handling system with the foundations (21, 22 and 23) extending longitudinally into the water, with the cranes displaced lengthwise along the foundation. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the container handling system of Shimizu by arranging it on a foundation as to extend lengthwise into the water, as to have the foundations extend along the lengths of the ships to be unloaded, with the ships moored normal to the shoreline, for efficient use of the waterfront, as taught by Young. The type of over-the-ground vehicle as functionally recited in the claims. Note these are not method claims and the claims, as best understood, the claims do not positively recite the over-the-ground vehicles, the vehicles are only recited in functional limitations, i.e. the a crane *for loading*. Therefore the type of over-the-ground vehicle loaded is not given any patentable weight. If the claims are interpreted as to include a specific type of vehicle, it would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to load any of the conventional load hauling vehicles, include railroad cars, multi-trailer sets or automated guided vehicles, as recited in claims 13-17 and 30-35.

12. Claims 2, 3, 11, 12 and 25, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Montgomery et al in view Young, as applied above to claim 1, and further in view of JP '282. Montgomery et al, as modified, shows basic claimed crane apparatus, but varies from claim 2 by not having two booms, each with a load platform and a trolley/spreader hoist. JP '282 shows a similar crane apparatus with a pair of booms (5) each with a trolley/spreader hoist and a load transfer area. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify crane of Montgomery et al by forming it with a second boom having a second trolley/spreader hoist and load transfer area (platform), to increase capacity, as taught by JP' 282. The sibling crane of Montgomery et al can load railroad cars, as recited in claims 3, 11 and 12.

13. Claims 2, 3, 11, 12 and 25, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watatani in view of Young as applied above to claim 1, and further in view of JP '282. Watatani, as modified, shows the basic claimed crane apparatus, as detailed above, but varies from claim 2 by not having two booms, each with a load platform and a trolley/spreader hoist. JP '282 shows a



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similar crane apparatus with a pair of booms (5) each with a trolley/spreader hoist and a load transfer area. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify crane of Watatani by forming it with a second boom having a second trolley/spreader hoist and load transfer area (platform), to increase capacity, as taught by JP' 282. The sibling crane of Watatani can load railroad cars, as recited in claim 3, or multi-trailer sets or automated guided vehicles, as recited in claim 4. The sibling crane of Watatani can load railroad cars, as recited in claim 3, 11 and 12.

14. Claims 2, 3, 11, 12, and 25, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Young as applied above to claim 1, and further in view of JP '282. Shimizu, as modified, shows the basic claimed crane apparatus, as detailed above, but varies from claim 2 by not having two booms, each with a load platform and a trolley/spreader hoist. JP '282 shows a similar crane apparatus with a pair of booms (5) each with a trolley/spreader hoist and a load transfer area. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify crane of Shimizu by forming it with a second boom having a second trolley/spreader hoist and load transfer area (platform), to increase capacity, as taught by JP' 282. The sibling crane can load railroad cars, as recited in claim 3, or multi-trailer sets or automated guided vehicles, as recited in claim 4 and can load railroad cars, as recited in claim 3, 11 and 12.

15. Claims 5, 6, 43-46 and 48-50, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Montgomery et al in view of Young and JP '282, as applied above to claim 2, and further in view of van de Waal. Montgomery et al, as modified, shows the basic claimed crane apparatus, but varies from claim 5 by not having the trolley/spreader hoists displaceable lengthwise of the booms of the parent crane. Van de Waal shows a similar crane apparatus with plural trolley/spreader hoists (7a, 7c, and 7e) mounted as to circulate on loop track. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the booms of Montgomery et al as to include plural circulating trolley/spreader hoists, to increase capacity, as taught by van de Waal. The crane of Montgomery et al can load a second vessel, if one where present at the foundation, or if the first vessel leaves and a second takes it position alongside the foundation, as functionally recited in claims 6, 43, 45 and 46, as the claims are best understood. The trolley/spreader hoist of the sibling crane is displaceable lengthwise independently of the parent crane, as recited in claim 48. It can be used to load over ground vehicles when the parent crane is fixed in position, as functionally recited in claim 49, with vehicles being any type, including railroad cars, as claim 50 is best understood.

16. Claims 5, 6, 43-46 and 48-50, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watatani in view of Young and JP '282, as applied above to claim 2, and further

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in view of van de Waal. Watatani, as modified, shows the basic claimed crane apparatus, but varies from claim 5 by not having the trolley/spreader hoists displaceable lengthwise of the booms of the parent crane. Van de Waal shows a similar crane apparatus with plural trolley/spreader hoists (7a, 7c, and 7e) mounted as to circulate on loop track. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the booms of Watatani as to include plural circulating trolley/spreader hoists, to increase capacity, as taught by van de Waal. The crane of Watatani can load a second vessel, if one were present at the foundation, or if the first vessel leaves and a second takes its position alongside the foundation, as functionally recited in claims 6, 43, 45 and 46, as the claims are best understood. The trolley/spreader hoist of the sibling crane is displaceable lengthwise independently of the parent crane, as recited in claim 48. It can be used to load over ground vehicles when the parent crane is fixed in position, as functionally recited in claim 49, with vehicles being any type, including railroad cars, as claim 50 is best understood.

17. Claims 5, 6 and 43-46, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Young and JP '282, as applied above to claim 2, and further in view of van de Waal. Shimizu, as modified, shows the basic claimed crane apparatus, but varies from claim 5 by not having the trolley/spreader hoists displaceable lengthwise of the booms of the parent crane. Van de Waal shows a similar crane apparatus with plural trolley/spreader hoists (7a, 7c, and 7e) mounted as to circulate on loop track. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the booms of Shimizu as to include plural circulating trolley/spreader hoists, to increase capacity, as taught by van de Waal. The crane of Shimizu can load a second vessel, if one were present at the foundation, or if the first vessel leaves and a second takes its position alongside the foundation, as functionally recited in claims 6, 43, 45 and 46, as the claims are best understood. It can be used to load over ground vehicles when the parent crane is fixed in position, as functionally recited in claim 49, with vehicles being any type, including railroad cars, as claim 50 is best understood.

18. Claims 18-24 and 36-42, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Young, as applied to claims 1, and further in view of Dechantsreiter. Shimizu, as modified, shows the basic crane apparatus with the sibling crane. It varies from claim 18 by not specifying whether the sibling crane travels on rubber tires or not. Dechantsreiter shows a similar crane and teaches that it can be mounted on rubber tired wheels or on flanged wheels which travel on tracks. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the sibling crane (22) of Shimizu by mounting it on rubber tired wheels, if it isn't already, as rail wheels and rubber tired wheels are art recognized equivalents, as taught by Dechantsreiter. A sibling crane on tires has a spreader that moves both lengthwise and

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widthwise on the foundation. The type of over-the-ground vehicle as only functionally recited in the claims. If the claims are interpreted as to include a specific type of vehicle, it would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to load any of the conventional load hauling vehicles, including railroad cars, multi-trailer sets or automated guided vehicles, as recited in claims 19-24 and 37-42.

19. Claims 27, 28 and 51, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Shimizu in view of Young, as applied to claims 1 and 26, and further in view of Dechantsreiter. Shimizu, as modified, shows the basic crane apparatus with the sibling crane (22) passing through the legs of the parent crane (21). It varies from claims 27 and 51 by not specifying that the sibling crane travels on rails. Dechantsreiter shows a similar crane and teaches that it can be mounted on rubber tired wheels or on flanged wheels which travel on tracks. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the sibling crane (22) of Shimizu by mounting it on rail wheels, if it isn't already, as rail wheels and rubber tired wheels are art recognized equivalents, by as taught by Dechantsreiter.

20. Applicant argues in the amendment filed June 26, 2006 that rejection regarding the lack of antecedent basis for term "the over-the-ground vehicles" is not understood, as the claim does recite "a sibling crane... for loading containers from the first platform onto over-the-ground vehicles". However this recitation only positively includes the sibling crane into the list of claimed elements. The over-the-ground vehicles are only part of the function to be performed by the sibling crane. The statement of this function does not specifically include the vehicles as part of the claimed combination of elements.

21. Applicant argues the rejection regarding the lengthwise movement by stating that the length must be the length of the foundation. However the direction limitation, as worded, can be interpreted by considering the length of the crane as the intended direction, which is also a *lengthwise* direction.


22. Applicant also argues in the amendment that Montgomery et al is not an anticipation as it does not include the loading of containers directly onto over-the-ground vehicles. However these are apparatus claims not method claims. The limitation regarding loading vehicles is considered as an INTENDED USE type limitation. Intended use type of limitations are not given any weight in apparatus type claims. Montgomery has the claimed structural limitations and could be used as recited in the claim. Also, now that the claims are rejected under 35 U.S.C. § 103(a), the reference does not have to have every feature recited in the claims. Therefore if the claims were interpreted as requiring vehicle loading, this would be considered as obvious, as being conventional in the art.

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23. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas J. Brahan  
Primary Examiner  
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